



UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MATTHEW ROBERT SMITH,

Defendant.

Case No. 2:20-cr-00140-JCM-VCF

**Preliminary Order of Forfeiture**

This Court finds Matthew Robert Smith pled guilty to Count One of a One-Count Superseding Criminal Information charging him with felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). Superseding Criminal Information, ECF No. \_\_; Change of Plea, ECF No. \_\_; Plea Agreement, ECF No. \_\_.

This Court finds Matthew Robert Smith agreed to the forfeiture of the property variously set forth in the Plea Agreement and the Forfeiture Allegation of the Superseding Criminal Information. Superseding Criminal Information, ECF No. \_\_; Change of Plea, ECF No. \_\_; Plea Agreement, ECF No. \_\_.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property variously set forth in the Plea Agreement and the Forfeiture Allegation of the Superseding Criminal Information and the offense to which Matthew Robert Smith pled guilty.

The following property is any firearm or ammunition involved in or used in any knowing violation of 18 U.S.C. § 922(g)(1), and is subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c):

- 1           1. a Glock, model 43, 9mm caliber pistol bearing serial number 00406;
- 2           2. a BCM, model MK-18 5.56x45 mm caliber machine gun bearing serial
- 3           number W07572; and
- 4           3. any and all compatible ammunition
- 5 (all of which constitutes property).

6           This Court finds that on the government's motion, the court may at any time enter  
7 an order of forfeiture or amend an existing order of forfeiture to include subsequently  
8 located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and  
9 32.2(b)(2)(C).

10          This Court finds the United States of America is now entitled to, and should, reduce  
11 the aforementioned property to the possession of the United States of America.

12          NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND  
13 DECREED that the United States of America should seize the aforementioned property.

14          IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory  
15 rights, ownership rights, and all rights, titles, and interests of Matthew Robert Smith in the  
16 aforementioned property are forfeited and are vested in the United States of America and  
17 shall be safely held by the United States of America until further order of the Court.

18          IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States  
19 of America shall publish for at least thirty (30) consecutive days on the official internet  
20 government forfeiture website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, which shall  
21 describe the forfeited property, state the time under the applicable statute when a petition  
22 contesting the forfeiture must be filed, and state the name and contact information for the  
23 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)  
24 and 21 U.S.C. § 853(n)(2).

25          IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual  
26 or entity who claims an interest in the aforementioned property must file a petition for a  
27 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which  
28 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C.

1 § 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's  
2 right, title, or interest in the forfeited property and any additional facts supporting the  
3 petitioner's petition and the relief sought.

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,  
5 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,  
6 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was  
7 not sent, no later than sixty (60) days after the first day of the publication on the official  
8 internet government forfeiture site, [www.forfeiture.gov](http://www.forfeiture.gov).

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the  
10 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States  
11 Attorney's Office at the following address at the time of filing:

12 Daniel D. Hollingsworth  
13 Assistant United States Attorney  
14 James A. Blum  
15 Assistant United States Attorney  
501 Las Vegas Boulevard South, Suite 1100  
Las Vegas, Nevada 89101.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice  
17 described herein need not be published in the event a Declaration of Forfeiture is issued by  
18 the appropriate agency following publication of notice of seizure and intent to  
19 administratively forfeit the above-described property.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send  
21 copies of this Order to all counsel of record.

22 DATED Nov. 13, 2020.

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26 HONORABLE JAMES C. MAHAN  
27 UNITED STATES DISTRICT JUDGE  
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